

ESTTA Tracking number: **ESTTA455200**

Filing date: **02/07/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chatham Imports, Inc.
Granted to Date of previous extension	02/08/2012
Address	245 Fifth Avenue, Suite 1402 New York, NY 10016-8728 UNITED STATES
Attorney information	PETER D. VOGL JONES DAY 222 E 41ST ST FL 2 New York, NY 10017 UNITED STATES pdvogl@jonesday.com, sfkampmeier@jonesday.com, NYTEF@jonesday.com Phone:212-326-3939

Applicant Information

Application No	77962565	Publication date	10/11/2011
Opposition Filing Date	02/07/2012	Opposition Period Ends	02/08/2012
Applicant	Washington Place LLC 75 Washington Place New York, NY 10011 UNITED STATES		

Goods/Services Affected by Opposition


Class 033. All goods and services in the class are opposed, namely: Wines, distilled spirits, fruit wines
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3829294	Application Date	05/01/2009
Registration Date	08/03/2010	Foreign Priority Date	NONE
Word Mark	FARMER'S		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2010/05/00 First Use In Commerce: 2010/05/00 Alcoholic beverages, namely, distilled spirits

Attachments	77726733#TMSN.jpeg (1 page)(bytes) DOC005.PDF (14 pages)(510848 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/PDV/
Name	PETER D. VOGL
Date	02/07/2012

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <http://estta.uspto.gov>.

Dated: February 7, 2012 By: 

Stephen F. Kampmeier, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 77/962,565
Mark: KNOW THY FARMER
Published in the *Official Gazette* on 2011-10-11

CHATHAM IMPORTS, INC.,

Opposer,

v.

WASHINGTON PLACE LLC,

Applicant.

Opposition No.:

Attorney Docket No.: 011730-0401-999

UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN: Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION – INT’L CLASS 33 ONLY

TO THE TRADEMARK TRIAL AND APPEAL BOARD:

CHATHAM IMPORTS, INC. (“Opposer”), a corporation organized under the laws of the State of New York with an address of record of 245 Fifth Avenue, Suite 1402, New York, NY 10016-8728, believes it will be damaged by the registration on the Principal Register of the designation KNOW THY FARMER (“Applicant’s designation”), U.S. Application Serial No. 77/962,565, for *inter alia* “Wines, distilled spirits, fruit wines” in Int’l Class 33 and having been granted extensions of time by the USPTO up to and until February 8, 2012, hereby opposes the same.

For the purposes of this proceeding, Opposer alleges the following as grounds for its opposition:

1. Opposer, itself and through its predecessors-in-interest and related companies, is now and has for many years past been engaged in the marketing, sale and distribution of alcoholic beverages, including wines and distilled spirits.
2. Opposer is the owner of U.S. Trademark Registration No. 3,829,294 for the trademark FARMER'S for "Alcoholic beverages, namely, distilled spirits" in Int'l Class 33.
3. Reg. No. 3,829,294 for the mark FARMER'S is valid and subsisting, as shown by a current printout of information from the electronic database records of the USPTO showing the status and title of this registration. *See Exhibit A.*
4. Opposer's application for FARMER'S was filed on May 1, 2009 based on a *bona fide* intent to use the mark in commerce pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b). Said application confers a right of priority as of Opposer's May 1, 2009 filing date, pursuant to Section 7(c) of the Lanham Act, 15 U.S.C. § 1057(c).
5. Opposer's trademark FARMER'S is now in use and has been in use in United States commerce on or in connection with "Alcoholic beverages, namely, distilled spirits" since at least as early as May 2010. *See Exhibit B*, a picture of the goods bearing the mark.

6. On information and belief, Registrant's May 2010 use date precedes any date of first use of Applicant's designation on or in connection with "Wines, distilled spirits, fruit wines".
7. Opposer is the owner of valuable common law rights in its FARMER'S mark (Reg. No. 3,829,294 and Opposer's common law FARMER's mark, collectively "Opposer's Mark").
8. Applicant seeks to register, on an intent-to-use basis, the designation KNOW THY FARMER as a trademark for *inter alia* "Wines, distilled spirits, fruit wines" in Int'l Cl. 33 as evidenced by U.S. Application Serial No. 77/962,565 (the "Opposed Application"). Said application was filed on March 18, 2010.
9. Opposer's Reg. No. 3,829,294 has priority over Applicant's Serial No. 77/962,565 since Opposer's application was filed on May 1, 2009 and Applicant's intent-to-use application was filed on March 18, 2010.
10. On information and belief, Applicant's designation has not been used as a trademark on or in connection with "Wines" in Int'l Class 33.
11. On information and belief, Applicant's designation has not been used as a trademark on or in connection with "distilled spirits" in Int'l Class 33.
12. On information and belief, Applicant's designation has not been used as a trademark on or in connection with "fruit wines" in Int'l Class 33.

13. On information and belief, no application for a label bearing Applicant's designation has been filed with the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau, for goods in Int'l Class 33.
14. On information and belief, Applicant has no common law rights in the designation KNOW THY FARMER for "Wines, distilled spirits, fruit wines".
15. Applicant's designation KNOW THY FARMER closely resembles Opposer's Mark for FARMER'S in appearance, sound, meaning and overall commercial impression.
16. Applicant's "Wines, distilled spirits, fruit wines" sold under the KNOW THY FARMER designation will likely travel in the same or similar channels of trade as Opposer's "Alcoholic beverages, namely distilled spirits" in Int'l Class 33 sold under the FARMER'S mark; and said goods will likely be purchased by the same class of consumers as those purchasing Opposer's products, causing consumers and the trade to wrongly associate Applicant's products with Opposer, and causing the purchasing public to assume that goods bearing the designation KNOW THY FARMER emanate from, or are approved, licensed, or sponsored by Opposer, have the same source as the Opposer's products, or that Applicant is affiliated with Opposer and its business.
17. Applicant's designation KNOW THY FARMER so closely resembles Opposer's Mark that it is likely, when applied to the goods of Applicant, to cause confusion, to cause mistake and to deceive consumers as to the origin, sponsorship and approval of Applicant's products, with consequent injury to Opposer and to the public in violation of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

18. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the designation sought to be registered, and will give color of exclusive statutory rights in Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer prays as follows:

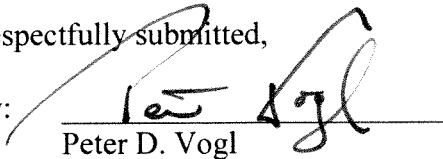
1. That this Opposition be sustained; and
2. That U.S. Application Serial No. 77/962,565 be refused and denied registration as to Int'l Class 33 only.

Please charge the Jones Day Deposit Account Nr. 50-3013 the \$300 Opposition filing fee and any other fees which may be necessary to effect the filing of this Opposition.

Dated: February 7, 2012

Respectfully submitted,

By:


Peter D. Vogl
Stephen F. Kampmeier
JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

Attorneys for Opposer
CHATHAM IMPORTS, INC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Mark: KNOW THY FARMER

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EXHIBIT A

United States of America

United States Patent and Trademark Office

FARMER'S

Reg. No. 3,829,294

Registered Aug. 3, 2010

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

CHATHAM IMPORTS, INC. (NEW YORK CORPORATION)
245 FIFTH AVENUE, SUITE 1402
NEW YORK, NY 100168728

FOR: ALCOHOLIC BEVERAGES, NAMELY, DISTILLED SPIRITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 5-0-2010; IN COMMERCE 5-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-726,733, FILED 5-1-2009.

JOHN GARTNER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-02-06 10:33:03 ET

Serial Number: 77726733 Assignment Information Trademark Document Retrieval

Registration Number: 3829294

Mark

FARMER'S

(words only): FARMER'S

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-08-03

Filing Date: 2009-05-01

Transformed into a National Application: No

Registration Date: 2010-08-03

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-07-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Chatham Imports, Inc.

Address:

Chatham Imports, Inc.

245 Fifth Avenue, Suite 1402

New York, NY 100168728

United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 033

Class Status: Active

Alcoholic beverages, namely, distilled spirits

Basis: 1(a)

First Use Date: 2010-05-00

First Use in Commerce Date: 2010-05-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-03 - Registered - Principal Register

2010-07-02 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-07-01 - Law Office Registration Review Completed

2010-07-01 - Allowed for Registration - Principal Register (SOU accepted)

2010-06-30 - Statement Of Use Processing Complete

2010-06-07 - Use Amendment Filed

2010-06-29 - Case Assigned To Intent To Use Paralegal

2010-06-07 - TEAS Statement of Use Received

2010-04-14 - Notice Of Approval Of Extension Request E-Mailed

2010-04-12 - Extension 1 granted

2010-04-12 - Extension 1 filed
2010-04-12 - TEAS Extension Received
2009-12-15 - NOA Mailed - SOU Required From Applicant
2009-09-22 - Published for opposition
2009-09-02 - Notice of publication
2009-08-18 - Law Office Publication Review Completed
2009-08-14 - Assigned To LIE
2009-08-07 - Approved For Pub - Principal Register
2009-07-28 - Assigned To Examiner
2009-05-05 - New Application Office Supplied Data Entered In Tram
2009-05-05 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Peter D. Vogl

Correspondent

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United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77726733

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3
Web interface last modified: Dec 1, 2011 v.2.3

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EXHIBIT B



FARMER'S

BOTANICAL

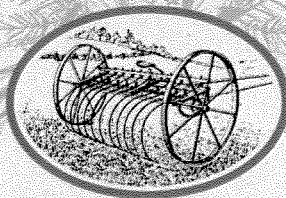
ORGANIC

SMALL BATCH ORGANIC

GIN

ORGANIC

FARMER'S
BOTANICAL



SMALL BATCH ORGANIC

GIN

Organic Gin handcrafted for ultimate smoothness
from Juniper, Elderflower, Lemon Grass, Coriander,
Angelica Root & other Select Botanicals



750ML • 46.7% ALC/VOL • (93.4 PROOF)

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2012, a true and complete copy of the foregoing **Notice of Opposition** has been served upon Applicant by mailing said copy via First Class Mail, postage prepaid upon its attorney at the correspondence address of record in the Trademark Office, namely:

Perla M. Kuhn, Esq.
Edwards Angell Palmer & Dodge LLP
P.O. Box 130
F.D.R. Station
New York NY 10150



Stephen F. Kampmeier

NYI-44288712